

REMARKS

Claims 27-52 are pending in the application. Claims 33-39, and 43-49 have been allowed. Claims 27-32, 40-42, and 50-52 stand rejected. Claims 27, 40-42, 50 and 51 have been amended.

Claim Rejections - 35 U.S.C. § 103

Claims 27-32, 41-42 and 51-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,883,883 to Baker et al in view of the applicants admitted prior art.

As discussed with the Examiner in a telephone interview on February 22, 2005, Baker teaches solutions for obtaining servicing information at a *central office*. Baker does not discuss how *terminal equipment that is a customer end ISDN device* is configured. As indicated during the phone interview, the term ISDN terminal endpoint is a customer-end ISDN device. (See page 4 of the present specification, lines 23-25.) The applicant has amended claim 27 to make clear that ISDN terminal equipment comprises a customer end ISDN device. Applicant has also amended claim 27 to clarify that the transactions are between the ISDN terminal equipment and an ISDN switch. (See page 5 of the present specification, lines 9-21.)

With respect to claim 27, a *prima facie case of obviousness* (MPEP 706.02(j), 1st paragraph) has not been established for at least two reasons. First, as will be explained, neither Baker nor APAA contain a suggestion to combine the references and furthermore APAA teaches away from being combined with Baker. Second, as will be explained, the combination of Baker and APAA does not teach each and every element of claim 27.

There is no suggestion to combine Baker and APAA and one of ordinary skill in the art would not combine these references in the manner suggested by the Examiner. Furthermore, APAA teaches away from a supplementary service detector that uses transactions to *itself test* the availability of a supplementary service because the APAA (and the art in general) teaches terminal equipment *relying* on switching systems or a central office to provide the terminal equipment with service information. For example, referring to page 2 of the present specification, previously terminal equipment sought to obtain a list of valid SPIDs from the switching system. The APAA/art thus taught that terminal equipment should *rely* on a switching system to provide information about the services available on a line. Nothing in the APAA/art remotely discussed the possibility of terminal equipment finding

out for itself, *through a test*, what services (supplemental or otherwise) are available on a line. The APAA teaches away from using the method of Baker because one of ordinary skill in the art trying to solve the problems discussed in APAA would have been prompted by the APAA to try and acquire supplemental service information from a central office in a similar manner as all other information is acquired in the APAA.

Baker also does not offer a suggestion to combine Baker and APAA in the manner suggested by the Examiner. Baker discusses only operations at a central office. Nothing in Baker remotely discusses the functionality of terminal endpoints. Nothing in Baker would prompt one of ordinary skill in the art to stop relying on information provided by a switch when configuring terminal equipment.

Even if the references were combined, the combination would not teach each and every element of claim 27 because neither reference teaches an ISDN terminal endpoint that is a customer-end ISDN device that comprises an automatic supplementary service detector. Baker teaches a central office that administers supplemental services. APAA teaches a customer end device that communicates with a central office to get SPID information. Neither reference teaches a customer-end device that acquires supplemental service information, let alone a customer-end device to test the supplemental services. Thus any combination of the references would only teach a system with a central office that administers supplemental services. The combination would not teach an ISDN terminal endpoint that is a customer-end ISDN device that comprises an automatic supplementary service detector.

Furthermore, neither reference teaches an automatic supplementary service detector that uses ISDN transactions on the supported channels between the ISDN terminal endpoint and an ISDN switch to test availability. Baker teaches a switch generating transactions with a customer premises telephone switching equipment that is however another switch and not an ISDN terminal endpoint. Thus Baker teaches transactions between two switches and not between an endpoint and a switch as claimed. APAA does not teach an automatic supplementary service detector, let alone one that uses ISDN transactions between the ISDN terminal endpoint and an ISDN switch to test availability. Thus claim 27 should be allowed. Claims 28-32 depend on claim 27 and should be allowed for at least the same reasons as claim 27. Claims 41, 42, 51 and 52 should be allowed for at least similar reasons as claim 1.

Claims 40 and 50 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,883,883 to Baker in view of applicants admitted prior art as applied above to claim 27, and further in view of U.S. Patent No. 6,501,838 to Brachman et al.

Claims 40 and 50 should be allowed for at least similar reasons as claim 27.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 27-32, 40-42, and 50-52 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Mike Cofield
Reg. No. 54,630

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613
Customer No. 20575